

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Javier JUANARENA SARAGUETA, et al.
Serial No.: 10/563,043 Group No.: 2834
Filed: December 30, 2005 Examiner: J. Gonzalez
For: CONTROL AND PROTECTION OF A DOUBLY-FED INDUCTION GENERATOR
SYSTEM

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

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37 C.F.R. 1.8(a)

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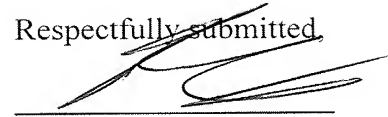
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- Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation. Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

The review is requested for the reason(s) stated on the Attached Sheet(s).

NOTE: No more than five (5) pages may be provided.

Respectfully submitted,



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PATENT

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In re application of: Javier JUANARENA SARAGUETA, et al.

Serial No.: 10/563,043

Group No.: 2834

Filed: December 30, 2005

Examiner: J. Gonzalez

For: CONTROL AND PROTECTION OF A DOUBLY-FED INDUCTION
GENERATOR SYSTEM

Attorney Docket No.: U 016070-3

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

ATTACHED SHEETS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

In the Response of November 5, 2007, the applicant noted that the Claim 1 and, thus, the other, dependent claims that are not already allowable distinguish from the art by a passive voltage-dependent resistor element described at page 9, lines 23ff of the specification.

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Further, descriptions of such elements as ordinarily understood in the art were also provided.

The Advisory Action of November 27, 2007, merely cites a dictionary from "passive" to "passive intrusion sensor," thereby missing the claimed element, a passive voltage-dependent resistor, as well as passive relative to resistor and, importantly, voltage-dependent. The applicant is, therefore, thrown back to the final Action of August 6, 2007.

The final Action relies on cited Fedderson and, particularly, Fedderson, et al. patent publications for a disclosure of an overvoltage protection device, but it is not a passive voltage-dependent resistor, as claimed, for the special advantage thereof as rationally underpinned only by applicant's specification, page 9, line 23, as noted above. Therefore, the claimed invention is different and unobvious, because:

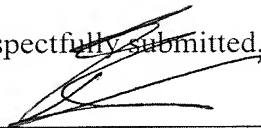
... [R]ejections on obviousness cannot be sustained by mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in KSR International Co. v. Teleflex Inc.*, Fed. Reg. October 10, 2007, 57526, 57528-9.

The final Action attempts this by noting a resistor in Fedderson, ".. which can make it, passive" but then asks, "What makes a passive resistor?" Both representations are irrational, at least, and irrelevant, because the claim is to passive voltage-dependence.

The final Action states, "The claims only disclose using a passive resistor." This is irrational, because incorrect. Claim 1 requires a "passive voltage-dependent resistor," and this in combination with the rest of the structure claimed.

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,



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